

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Juvenile Correctional Services

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §712, sub-§2, ¶A, as amended by PL 1997, c. 361, §3, is further amended to read:

A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and

Sec. 2. 15 MRSA §3103, sub-§1, ¶D, as amended by PL 1995, c. 470, §3, is further amended to read:

D. If a juvenile is adjudicated to have committed an action described in paragraph B or C willful refusal to pay a resulting fine or willful violation of the terms of a resulting probation or willful failure to comply with the terms of any other resulting court order;

Sec. 3. 15 MRSA §3203-A, sub-§7, ¶A, as amended by PL 2005, c. 507, §5, is further amended to read:

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

(1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;

(2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and

(3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

Juveniles detained in adult-serving facilities may be placed only in the separate juvenile sections that comply with mandatory separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208, unless the detainee must be detained with adults as a result of having attained 21 years of age or unless the court orders that the ~~person~~detainee be detained with adults for any period of detention occurring after the detainee has attained 18 years of age or unless the juvenile is bound over as an adult and held in an adult section of a facility pursuant to court order or unless the detainee has been convicted as an adult in another jurisdiction.

Sec. 4. 15 MRSA §3203-A, sub-§7, ¶B-4, as amended by PL 1999, c. 624, Pt. A, §4, is further amended to read:

B-4. The State is responsible for all physically restrictive juvenile detention statewide, except that the detention for up to 6 hours provided under subsection 1 remains the responsibility of the counties. At the discretion of the sheriff, if the requirements of paragraph B-5 are met, a county may assume responsibility for the detention of a juvenile for up to ~~24~~48 hours, excluding Saturdays, Sundays and legal holidays. Upon mutual agreement of the Commissioner of Corrections and the sheriff and upon terms mutually agreeable to them, a juvenile may be detained by a county for a longer period of time in an approved detention facility or temporary holding resource complying with paragraph B. Any detention of a juvenile by a county must be in a section of a jail or other secure detention facility in compliance with paragraph A or in an approved detention facility or temporary holding resource in compliance with paragraph B. This paragraph does not apply to a juvenile who is held in an adult section of a jail pursuant to court order under paragraph C or D; section 3101, subsection 4, paragraph E-1; or section 3205, subsection 2.

SUMMARY

This bill permits the interception of phone calls made by or to residents of juvenile correctional facilities on the same basis as the interception of phone calls made by or to residents of adult correctional facilities. It also makes willful failure to comply with the terms of any court order resulting from a juvenile adjudication of a juvenile crime involving drugs or liquor itself a juvenile crime consistent with other provisions that define a juvenile crime. The bill requires that a detainee under 18 years of age who has been convicted as an adult in another jurisdiction be detained with adults, as is presently the case for detainees under 18 years of age who have been convicted as an adult in the State. The bill also makes the provisions for the detention of juveniles in a jail consistent by allowing such detention to be for up to 48 hours.